

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.627 OF 1982

THE HON'BLE MR. JUSTICE Y.B. BHATT:

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Appearance:

Mr. B.J. Shelat, advocate for the petitioners.

Mr. B.J. Jadeja, advocate for the respondents.

CORAM: Y.B. BHATT J.

Date of Decision: 06-12-1995

JUDGEMENT

1. The present revision is one under section 29(2) of the Bombay Rent Act (hereinafter referred to as 'the said Act'), filed by the original defendants (tenants and sub-tenants of the premises in question), wherein the respondents are the original plaintiffs-landlords.

2. Before dealing with the revision on merits, I am required to bear in mind the principles laid down by the Supreme Court in the case of *Helper Girdharbhai* (AIR 1987 SC 1782). The basic principle laid down in the said decision is that the High Court, while exercising powers under section 29(2) of the said Act must be very reluctant to interfere with the concurrent findings of fact unless it can be shown that such findings are a perversity in law and/or are based on no evidence whatsoever, or are based on such an interpretation of the evidence which could not be arrived at by any reasonable person.

3. It is with these limitations in mind that I have heard the learned counsel for the petitioners.

4. During the course of hearing, when it became apparent to the learned counsel for the petitioners, that there are many difficulties in his way, and he may not ultimately succeed in the present revision, he confined his submissions to pointing out the difficulties that may be faced by the tenants if they are required to vacate the premises. Ultimately, therefore, his only request was that the petitioners be granted sufficient time to vacate the premises, in which case this revision need not be pressed on merits.

5. In the context of a query put to learned counsel for the respondents-landlords, he stated that he leaves the entire question to the discretion of this court. In this context, learned counsel for the petitioner submitted that in his opinion a period of 5 years would be a reasonable period, during which time the petitioners would somehow be able to solve the difficulties in obtaining other premises.

6. After having given due consideration to this aspect of giving time to vacate the premises, and with due regard to the facts and circumstances on the record of the case, and with due regard to the submissions made by the respective counsel on this limited aspect, I am of the opinion that the interests of justice would best be served and the hardship to the petitioners would be minimised if time is granted upto 31st December 1998 to vacate the premises in question.

7. Accordingly it is directed that the petitioners shall be granted time upto 31st December 1998 to vacate the premises, subject to the condition that an undertaking on usual terms is filed in this court on or before 15th March 1996. If the undertaking as aforesaid is not filed by the due date or in case of breach of any of the terms and conditions contained in the said undertaking, the decree shall become executable forthwith.

8. Subject to the aforesaid directions the present revision is dismissed. Rule is discharged with no order as to costs. Interim relief vacated.
